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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

Mary M. Ponthan et al.

Serial No.: N/A

Examiner: Unknown

Filing Date: Herewith

Group Art Unit: Unknown

For: A COMBINATION FLEXIBLE PLANAR ITEM AND CHARACTER

Docket No.: 19420/101/101

TRANSMITTAL SHEET

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of : EL 008 454 532 US, in an envelope address to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this 5 day of October 2000.

By _____

Caroline M. Erickson

We are transmitting herewith the attached Patent Application including the following:

- [XXXX] 10 sheet(s) of specification.
- [XXXX] 6 sheet(s) of claim(s).
- [XXXX] 1 sheet(s) of Abstract.
- [XXXX] 3 sheet(s) of formal/informal drawings.
- [XXXX] Executed Declaration and Power of Attorney.
- [XXXX] A verified statement(s) to establish small entity status under 37 C.F.R. 1.9 and/or 1.27 is enclosed.
- [XXXX] An Assignment of the invention to MPA INTERNATIONAL CORPORATION is being filed contemporaneous with this patent application.
- [] A certified copy of a _____ application, serial no. _____, filed _____, the right of priority of which is claimed under 35 U.S.C. 119.

CLAIMS AS FILED						
	(1)	(2)	SMALL ENTITY		OTHER	
FOR:	# FILED	# EXTRA	Rate	Fee	Rate	Fee
BASIC FEE				\$355		\$710
TOTAL CLAIMS	26-20 =	6	x9=	\$ 54	x18=	\$
INDEPENDENT CLAIMS	3 -3 =	0	x40=	\$	x80=	\$
() MULTIPLE DEPENDENT CLAIM PRESENTED			+135=	\$	+270=	\$
TOTAL			\$409.00		\$	

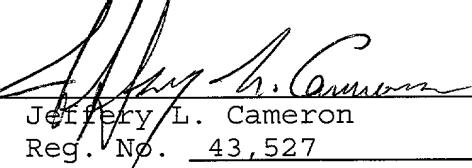
*If the difference in Column (1) is less than zero, enter "0" in Column 2.

[XXXX] Other Recordation Form Cover Sheet-Patents Only

 _____.

[XXXX] Checks in the amounts of \$409.00 and \$40.00 are enclosed.

[XXXX] Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account 14-0620.

By: 

Jeffrey L. Cameron
 Reg. No. 43,527

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Serial or Patent No.: N/A
Filed or Issued: Herewith
For: A COMBINATION FLEXIBLE PLANAR ITEM AND CHARACTER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27(c)) -- SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act
on behalf of the concern identified below:

NAME OF CONCERN MPA INTERNATIONAL CORPORATION

ADDRESS OF CONCERN 4354 Wooddale Avenue South

St. Louis Park, Minnesota 55424

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled A COMBINATION FLEXIBLE PLANAR ITEM AND CHARACTER by inventor(s) Mary M. Ponthan; David P. Behr and George R. Larsgard described in

- the specification filed herewith
 application serial no. _____, filed _____
 patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(b) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in

loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

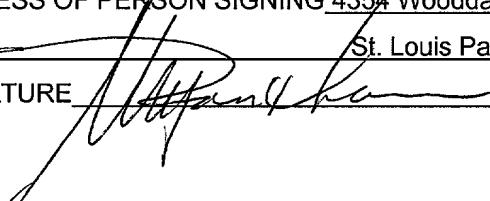
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mary M. Ponthan

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 4354 Wooddale Avenue South

St. Louis Park, Minnesota 55424

SIGNATURE 

DATE Oct. 2, 2000

A COMBINATION FLEXIBLE PLANAR ITEM AND CHARACTER

Background of the Invention

The present invention is generally related to the field
5 of flexible planar items, such as blankets, tarps, banners
and the like. In particular, the present invention relates
to a flexible planar item that when manipulated, takes on
the appearance of a character.

Planar materials are utilized for a variety of items.
10 Some examples of such uses are provided as follows. Planar
materials such as blankets have many uses, such as to keep a
person or animal warm, or may be used to cover a surface,
such as a bed or placing over the ground during a picnic.
Another example, is a tarp. Tarps also have many uses such
15 as, for covering items, like a vehicle during a period of
non-use. Furthermore, planar materials may be used as
banners, signs or other such items.

Typically, when these items are not in use, they are
folded or rolled up and placed in storage until they will
20 again be called upon to serve their intended purpose. These
items, therefore, have no purpose until they are to be used
for their primary purpose.

However, it is possible for these items to have an
expanded function, such as to represent a particular sports

team, to be a plaything for children, or to act as a token to commemorate an event, etc.

Accordingly, an item should be developed that can provide an expanded function for typical flexible planar items. The present invention addresses these needs, as well as other problems associated with existing flexible planar items.

Summary of The Invention

The present invention is a combination flexible planar item and character. The item comprises a flexible planar item, that when manipulated, takes on the appearance of a character. The character is formed of a character body that is defined during the manipulation of the planar item and at least one character feature that is oriented on the character body.

The planar item may be any shape such as rectangular and may have fringe along one or more of its edges. The planar item has an exterior surface and the character feature or features are present on the exterior surface of the item.

The feature may be any character feature such as facial features, appendages, articles of clothing, and the like. The feature may be applied to the planar item by means such as embroidery, adhesives, bonding, and the like, or may be provided integral to the planar item.

When correctly manipulated, the combination of at least one character feature and the character body provide the appearance of a character. The manipulation may be accomplished by methods such as folding, rolling, or the 5 combination of folding and rolling. The character body may be any shape, such as a cylinder, and the shape may be maintained by a belt or other such feature. The belt may be provided integral to the planar item or be attached thereto.

One method of creating a combination character from a 10 flexible planar item is comprised of the steps of: providing a flexible planar item having first and second surfaces, at least first, second, and third edges, and having a character feature present on the first surface. The item is then folded and/or rolled to form a character body that has a 15 character feature oriented upon the exterior of the character body.

One embodiment is constructed having four edges with a corner connecting the second and third edges, and at least one character feature placed on the first surface, proximate 20 to the corner.

The folding of the item may be accomplished by a method such as by folding the flexible planar item in half, by orienting the forth edge and a portion of the second surface over itself, to form a folded edge. The item may then be 25 folded again by folding one third of the flexible planar

item, from the folded edge, to form two short edges and two long edges.

The item may then be rolled by a method such as by rolling the flexible planar item beginning at the short edge 5 distal to the corner until the entire flexible planar item is rolled, forming a generally cylindrical character body having a character feature oriented upon the exterior of the character body.

The aforementioned benefits and other benefits 10 including specific features of the invention will become clear from the following description by reference to the accompanying drawings.

Brief Description of The Drawings

FIG. 1 is an overhead view of a flexible planar item; 15 **FIG. 2** is side view of the present invention taken along line 2-2 of **FIG. 1**;

FIG. 3 is an overhead view of the item of **FIG. 1** in the process of manipulation into a character body;

FIG. 4 is a side view of the item as manipulated in **FIG. 2** 20 taken along line 4-4 of **FIG. 3**;

FIG. 5 is an overhead view of the item of **FIG. 3** in the process of further manipulation into a character body;

FIG. 6 is a side view of the item as manipulated in **FIG. 5** taken along line 6-6 of **FIG. 5**;

FIG. 7 is a side view of the item of **FIG. 5** in the process of further manipulation into a character body;
FIG. 8 is a side perspective view of a character of the present invention, manipulated from the planar item of **FIG. 5 1;**

FIG. 9 is an alternative embodiment of the character of the present invention; and

FIG. 10 is another alternative embodiment of the character of the present invention.

10 Detailed Description of the Invention

Referring now to the drawings wherein like reference numerals denote like elements throughout the several views,

FIG. 1 illustrates an overhead view of a flexible planar item 12 according to an embodiment of the present invention.

15 In particular, the combination flexible planar item and character 10, as shown, is comprised of a flexible planar item 12 having a first edge 20, a second edge 22, a third edge 24, a fourth edge 26, a corner 30, and at least one character feature 14.

20 Any character feature or combination of features may be utilized to create the appearance of a character. For example, as illustrated in the figures, two character features are present, namely two eyes. The eyes are positioned on the first surface of the flexible planar item

12, such that when the item 12 is manipulated in a predetermined way, the item will take on the appearance of a character. Three such characters are shown in FIGS. 8, 9, and 10. FIG. 10 shows a character having five character features, namely, two facial features (eyes), an article of clothing (tie), and a pair of appendages (legs). Furthermore, the feature or features 14 may be affixed to the item 12 by any manner known in the art. For example, the features may be embroidered into the fabric. Some other common methods of affixation include: snaps, hook and loop fasteners such as Velcro®, rivets, sewing, adhesives, and the like. In another example, one or more of the character features may be bonded to the flexible item through a bonding means either during manufacturing or after the item has been formed. For instance, on products such as fleece, a radio wave bonding process may be utilized. For this method, the character features may be constructed from a material called Lextra® available from FiberLok Products of Fort Collins, Colorado. It is also foreseeable that the material comprising the item may be manufactured having the feature either incorporated into or affixed on the material.

The dotted lines 16 and 18 on the drawings represent one set of fold lines for the manipulation of the planar item 12 into a character. Although these fold lines are one

method of manipulating an item, the folding and/or rolling of the item and the orientation of the character features may be of any suitable design, so long as the manipulated shape takes on the appearance of a character.

- 5 The finished shape of the character may be any suitable shape. For example, as shown in **FIGS. 8 and 9**, the character shape is generally cylindrical in nature. It is foreseeable that more folds or less folds may be utilized to make the character of the present invention. For example,
10 the item may simply be folded in half and rolled to create an elongate cylinder that forms a character body.

The shape of the character may also be maintained by a means for restraining its shape. Any suitable means known in the art for restraining the shape of the character may be
15 utilized. Some examples of means for restraining the shape of the character include Velcro®, snaps, buttons, loops, and the like.

- The means for restraining may also look like an article of clothing worn by the character or an accessory item.
20 Some examples of such items include, belts, necklaces, or scarves; clothing such as hats, coats, shirts, skirts, or pants. As shown in **FIG. 9**, an accessory, such as a belt 28 may be provided to maintain the shape of the character and to provide an additional character feature.

Additional items may be added that provide further character features. The items can be generic in nature or can be specific in nature to personalize the character. These items could also be designed to restrain the shape of
5 the character. The additional items may be any suitable item known in the art. Some examples of these items include: appendages, accompanying toys, books, sporting equipment, holiday items, work specific items, sleeping bags etc.

10 The material comprising the planar item may also be shaped to provide a character feature, such as an article of clothing, an appendage, hair, and/or other such features. For example, as shown in **FIG. 9**, the planar item may have fringe along one or more edges to provide a feature such as
15 hair.

The material used to construct the combination flexible planar item and character may be any suitable material known in the art. The material must be of a generally planar shape when fully expanded and must be capable of
20 manipulation from a planar configuration into a manipulated configuration or from a manipulated configuration into a planar configuration. Some examples of preferred materials include: synthetic and natural fabrics and combinations thereof, flexible plastics, fleece materials, etc.

The method of manipulating the planar item into a character may be accomplished in several ways. The device is preferably manipulated through folding, rolling, or a combination of folding and rolling. The device may begin or 5 end in either the manipulated configuration or the planar configuration.

One method of folding the item is shown in the drawings and is accomplished as follows. The flexible planar item is expanded to its full planar extent, as shown in **FIGS. 1** and 10 **2**. The planar item is then folded in half by folding the fourth edge 26 toward the third edge 24 such that the second surface is folded over itself. This fold creates a half flexible planar item having a folded edge at line 16. This stage of manipulation is demonstrated in **FIGS. 3** and **4**.

15 One third of the half flexible planar item is then folded from the folded edge, to form two short edges and two long edges. The item is then rolled, from the short edge comprised of the first edge 20, toward the short edge comprised of the second edge 22, to form the character body. 20 Once the item 12 is completely rolled, the character body is formed. The character feature 14 is located generally on the exterior surface of the body, meaning that the feature is located either on the exterior surface or alternatively, when the corner 30 of the planar item 12 is folded back, as

shown in **FIG. 8**, the character feature 14 is revealed.

Since many possible embodiments may be made of the present invention without departing from the scope thereof, it is to be understood that all matter herein set forth or
5 shown in the accompanying drawings is to be interpreted in the illustrative and not limiting sense.

Claims

What is claimed is:

1. A combination flexible planar item and character,
comprising:

a flexible planar item, that when manipulated, takes on
the appearance of a character, said character
comprising said planar item arranged to form a
character body, said body having an exterior
surface and having at least one character feature
generally present on said exterior surface.

2. A combination flexible planar item and character
according to Claim 1, wherein said flexible planar item is
manipulated by folding.

3. A combination flexible planar item and character
according to Claim 1, wherein said flexible planar item is
manipulated by rolling.

4. A combination flexible planar item and character
according to Claim 1, wherein said flexible planar item is
manipulated by folding and rolling.

5. A combination flexible planar item and character
according to Claim 1, wherein said at least one character

feature is a facial feature.

6. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is an appendage.

7. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is an article of clothing.

8. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is placed onto said flexible planar item by adhesive means.

9. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is placed onto said flexible planar item by a bonding means.

10. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is affixed onto said flexible planar item by sewing.

11. A combination flexible planar item and character

according to Claim 1, wherein said at least one character feature is affixed onto said flexible planar item by a snap.

12. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is affixed onto said flexible planar item by hook and loop fasteners.

13. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is affixed onto said flexible planar item by rivets.

14. A combination flexible planar item and character according to Claim 1, wherein said flexible planar item is a generally rectangular shape.

15. A combination flexible planar item and character according to Claim 1, wherein said flexible planar item has a plurality of edges and wherein at least one edge is fringed.

16. A combination flexible planar item and character according to Claim 1, wherein the shape of said character body is maintained by a belt placed around said body to encircle said body.

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17. A combination flexible planar item and character according to Claim 16, wherein said belt is integral with said planar item.
18. A combination flexible planar item and character according to Claim 1, wherein said flexible planar item has first and second surfaces, first, second, third, and fourth edges, a corner connecting said third edge with said second edge, and wherein said at least one character feature is placed on said first surface, generally proximate to said corner.
19. A combination flexible planar item and character according to Claim 18, wherein said flexible planar item is folded in half, by orienting said fourth edge over said third edge and a portion of said second surface over itself, to form a folded edge and a half sized planar item; folding one third of said half sized item, from said folded edge, to form a rectangle having two short edges and two long edges, and an exterior surface, said exterior surface having said at least one character feature oriented thereon.
20. A combination flexible planar item and character according to Claim 19, wherein said flexible planar item is

rolled, beginning at said short edge distal to said corner until the entire flexible planar item is rolled, forming a generally cylindrical character body having said character feature generally oriented upon the exterior of said character body.

21. A combination flexible planar item and character according to Claim 1, wherein said character feature is embroidered onto said flexible planar item.

22. A combination flexible planar item and character, comprising:

a flexible planar item having at least one character feature present thereon, said flexible planar item being folded and rolled to form a generally cylindrical character body having said character feature oriented generally upon the exterior of said character body.

23. A method of creating a combination character from a flexible planar item, the steps comprising:

providing a flexible planar item having first and second surfaces, and at least first, second, and third edges, and at least one character feature

placed on said first surface; and

manipulating said flexible planar item forming a character body having said character feature oriented upon the exterior of said character body.

24. The method according to Claim 23, wherein the step of manipulating is provided by folding said planar item to form a character body.

25. The method according to Claim 23, wherein the step of manipulating is provided by rolling said planar item to form a character body.

26. The method according to Claim 23, wherein the step of manipulating is provided by folding and rolling said planar item to form a character body.

Abstract

The present invention is a combination flexible planar item and character. The item comprises a flexible planar item, that when manipulated, takes on the appearance of a character. The character is formed by a character body that becomes defined from the manipulation of the planar item. The planar item has an exterior surface and at least one character feature that is present on the exterior surface of the item. When correctly manipulated, the combination of at least one character feature and the character body provide the appearance of a character.

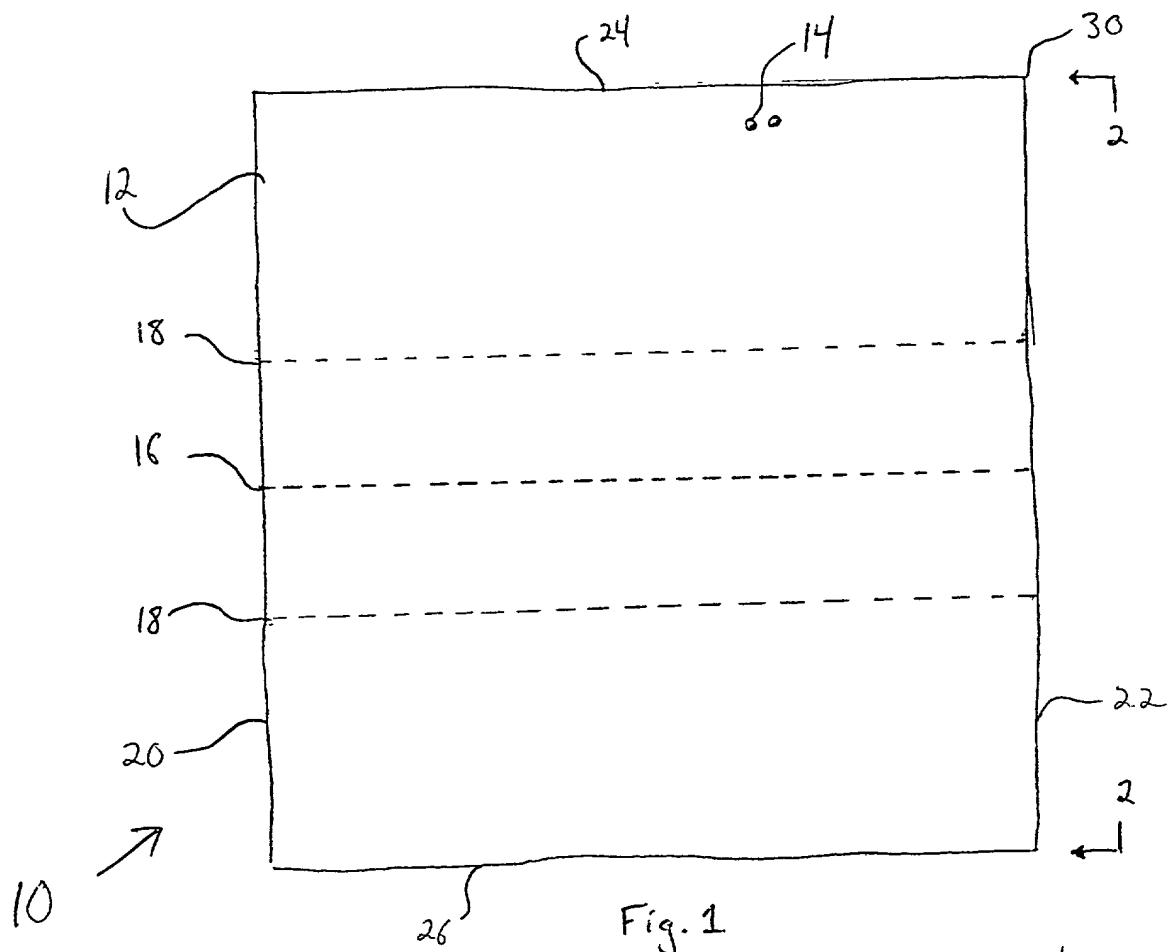


Fig. 1

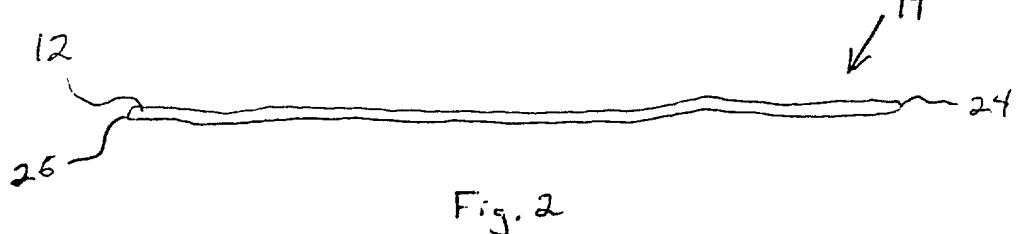


Fig. 2

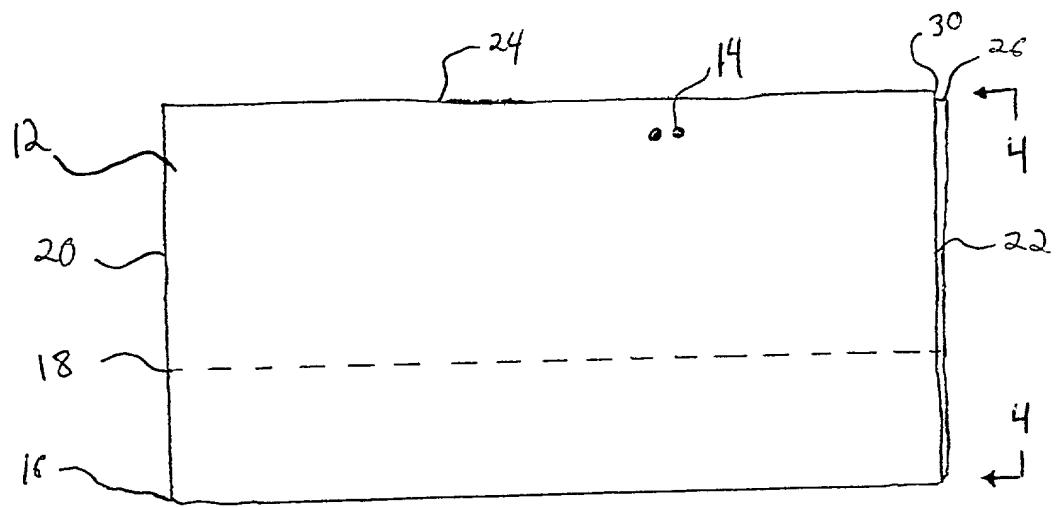


Fig. 3

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Fig. 4

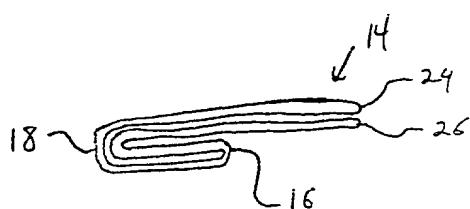
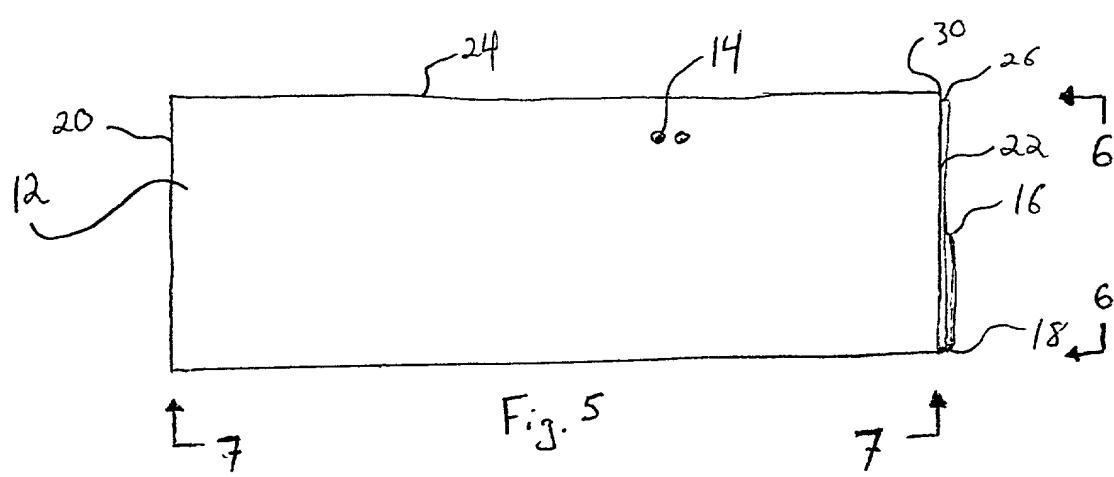


Fig. 6

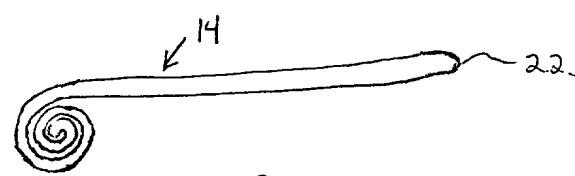


Fig. 7

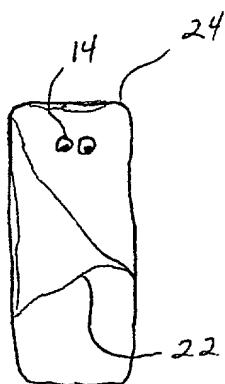


Fig. 8

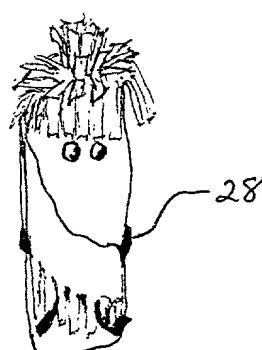


Fig. 9

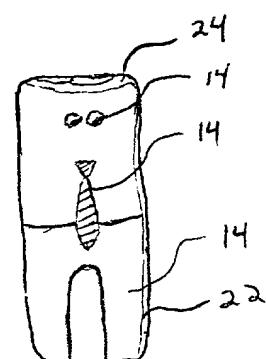


Fig. 10

COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
A COMBINATION FLEXIBLE PLANAR ITEM AND CHARACTER, the specification of which (check one)

XX is attached hereto

- was filed on _____
as U.S. Application
Serial No. _____
- and was amended on (if
applicable) _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
------------------------------	------------------

(Number)	(Country)	(Day/Month/Year Filed)	YES	NO
(Number)	(Country)	(Day/Month/Year Filed)	YES	NO
(Number)	(Country)	(Day/Month/Year Filed)	YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner

provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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(Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John L. Rooney, Reg. No. 28,898;
Lawrence M. Nawrocki, Reg. No. 29,333;
Wayne A. Sivertson, Reg. No. 25,645;
Richard C. Stempkovski, Jr., Reg. No. 45,130;
Jeffery L. Cameron, Reg. No. 43,527; and
Donald A. Jacobson, Reg. No. 22,308

Send correspondence to:

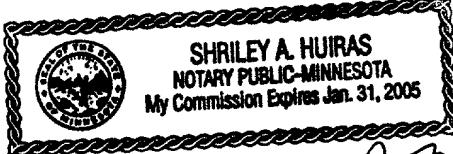
Lawrence M. Nawrocki
NAWROCKI, ROONEY & SIVERTSON, P.A.
Suite 401, Broadway Place East
3433 Broadway Street Northeast
Minneapolis, Minnesota 55413
(612) 331-1464

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. I further declare that I understand the content of this declaration.

Full name of sole or first inventor Mary M. Ponthan
Inventor's Signature Mary M. Ponthan Date Oct. 2, 2000
Residence 4354 Wooddale Avenue South
St. Louis Park, Minnesota 55424 Citizenship U.S.A.
Post Office Address 4354 Wooddale Avenue South
St. Louis Park, Minnesota 55424

Full name of second or joint inventor David P. Behr
Inventor's Signature *David P. Behr* Date 10-2-00
Residence 1136 Wagon Wheel Road
Hopkins, Minnesota 55343 Citizenship U.S.A.
Post Office Address 1136 Wagon Wheel Road
Hopkins, Minnesota 55343

Full name of third or joint inventor George R. Larsgard
Inventor's Signature *George R. Larsgard* Date 10-2-2000
Residence 10941 Oxborough Avenue South
Bloomington, Minnesota 55437 Citizenship U.S.A.
Post Office Address 10941 Oxborough Avenue South
Bloomington, Minnesota 55437



Shirley A. Huiras

1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.